

Passenger rights in the context of IndiGo flight disruptions

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The mass cancellation of IndiGo flights in December 2025 disrupted travel plans across India and abroad, triggering legal and regulatory scrutiny. But beyond the headlines, the incident served as a crucial test of India's aviation consumer protection regime: What are passengers legally entitled to? Can airlines refuse compliance? And what recourse do travellers have when promises are not fulfilled?

This article outlines the enforceable rights of passengers, the legal obligations of airlines, and how Indian courts and regulators have interpreted and acted on these frameworks.

1. Passenger rights under Indian law

A. DGCA Civil Aviation Requirements (CAR)

The Directorate General of Civil Aviation (DGCA) is the statutory regulatory authority responsible for granting operating licenses to airlines. Airlines are required to operate strictly in accordance with the guidelines issued by the DGCA from time to time. These guidelines have binding force and are legally enforceable against airlines. The Civil Aviation Requirements (CARs) issued by the DGCA are formulated in accordance with this regulatory mandate.

The Directorate General of Civil Aviation's (DGCA) Civil Aviation Requirements (CAR Series M, Part IV) form the cornerstone of passenger protection in India. These regulations are legally binding and issued under the Aircraft Act, 1934. Key entitlements include:

- **Flight cancellation (within two weeks of departure):** full refund and monetary compensation (₹5,000–₹10,000), depending on route length.
- **Flight delay (more than two hours):** free meals and refreshments. If the delay exceeds six hours or crosses into nighttime, airlines must provide hotel accommodation and transfers.
- **Denied boarding:** if due to overbooking, compensation is 200–400 per cent of the one-way fare, subject to caps.

These rights apply automatically and must be honoured by the airline, regardless of whether the passenger asks for them.

B. The 2019 Passenger Charter

The Ministry of Civil Aviation's Passenger Charter complements the CAR and outlines service standards in a simplified format. It lacks independent legal force but acts as an interpretive guide to what passengers should expect. Airlines are encouraged but not legally bound to follow its aspirational standards.

C. IndiGo's policy position

IndiGo's own Conditions of Carriage incorporate the CAR's language. The airline limits its liability to what is 'prescribed by DGCA' and expressly denies responsibility for compensation beyond those terms. This means that IndiGo's compliance is pegged entirely to the regulator's framework, neither above nor below.

D. Consumer Protection Act, 2019

Passengers are 'consumers' and airlines are 'service providers' under the Consumer Protection Act. Any failure to operate a booked flight, issue refunds, provide assistance or pay compensation is a 'deficiency of service'.

Passengers can approach:

- **District Commission:** Claims up to ₹50 lakhs
- **State Commission:** ₹50 lakhs – ₹2 crores
- **National Commission:** Over ₹2 crores

Consumer forums can include refund, damages (for inconvenience or lost opportunities), costs and even punitive compensation. Importantly, consumer forums have held that CAR entitlements are *minimums*, not limits.

International flights: Montreal Convention, 1999

India is a signatory to the Montreal Convention, which governs international air carriage. It allows compensation up to USD 6,400 for proven damages. Claims must be filed within two years. These apply when the point of origin or destination is outside India.

–. Are these rights enforceable against airlines?

Yes. DGCA's CAR is binding. Airlines cannot override or contract out of it. Courts have confirmed that the CAR, issued under delegated legislative authority, must be followed. Even internal policies cannot derogate from the rules.

The Passenger Charter, while not binding, often informs regulatory interpretation. In disputes, the CAR holds sway. Airlines attempting to argue force majeure must prove truly unforeseeable circumstances and not internal planning failures.

In the IndiGo case, regulators clearly held that crew rostering failures were within the airline's control. As such, the force majeure defense may not apply.

3. What have the Indian courts said?

Supreme Court of India

The Supreme Court declined to take immediate cognisance of the disruption via a PIL. It acknowledged the seriousness of the issue but deferred to the Delhi High Court, citing ongoing proceedings and active regulatory oversight. It left the door open for escalation if adequate remedies were not forthcoming.

Delhi High Court

The Delhi High Court has heard multiple petitions relating to passenger compensation and operational accountability. While the court has not passed sweeping orders yet, it:

- Noted that passengers' rights must be respected as per DGCA regulations.
- Directed the Ministry to monitor compliance.
- Declined fresh PILs where similar matters were sub judice.
- Expressly stated that airline planning failures do not justify denial of compensation.

Thus, courts have clarified that the law exists and must be applied but stopped short of awarding specific damages, leaving that to consumer forums.

4. UK comparison: Regulation EC261/UK261

The UK's passenger compensation regime (carried over from EU law) is widely regarded as one of the strongest in the world. Key features include:

- **Fixed compensation for cancellations:** £220–£520 per passenger, depending on flight distance, if cancellation is within 14 days of departure.
- **Delay compensation:** after a three-hour delay in arrival, compensation applies unless the airline proves 'extraordinary circumstances'.
- **No need to prove loss:** unlike under the Montreal Convention or Indian tort law, compensation is payable automatically upon proof of disruption.
- **Enforcement:** the UK Civil Aviation Authority actively investigates complaints, and small claims courts provide accessible remedies.

In comparison, India offers more modest payouts (₹5,000–₹10,000), and enforcement depends heavily on consumer forums or DGCA responsiveness.

5. Final analysis: are passenger rights meaningful?

Yes, but only if invoked properly. Indian law provides a comprehensive framework through DGCA rules and the Consumer Protection Act. The challenge lies not in the absence of rights, but in their enforcement.

Courts have affirmed that:

- CAR rules are binding.
- Force majeure cannot be invoked casually.
- Airlines must compensate as per the law.

However, remedies often require active pursuit by passengers, whether through AirSewa, consumer courts or legal representation. Unlike in the UK, automatic compensation is rare, and penalties for non-compliance are weak.

6. What should be done?

- **Introduce fixed-sum compensation schemes (on the UK/EU Reg. 261 model):** standardised compensation would ensure predictability, reduce airline discretion and eliminate the need for passengers to prove individual loss in routine delay, cancellation or denied-boarding cases.
- **Empower the DGCA to impose automatic, deterrent penalties:** clear statutory authority for *suo motu* fines and enforcement would strengthen compliance and curb systemic violations without relying solely on complaint-driven processes.
- **Provide standardised digital complaint mechanisms:** a uniform, time-bound digital grievance system integrated with airlines and regulators would enhance transparency, consistency and data-driven oversight.
- **Enable class or collective redress for systemic failures:** collective proceedings would lower litigation costs, improve access to justice and force airlines to address structural issues rather than isolated claims.
- **Until reforms are enacted, passenger vigilance remains critical:** passengers must understand their rights, pursue claims through formal channels and reserve contemporaneous documentation to ensure effective enforcement.

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